

## **REMARKS:**

### **Summary of Claim Amendments and Pending Claims**

Upon entry of the present amendment, claims 1, 3, and 25 are amended; claims 21, 22, and 27 were previously amended; claims 4 – 6, 8, 10 – 11, and 24 were previously presented; claim 26 is original; claims 2, 7, and 9 are canceled without prejudice or disclaimer; and claims 12 – 20, 23, and 28 – 32 were previously withdrawn. No new matter is added.

The originally filed specification and claims support the present amendments. By entry of the present amendment, claims 1, 3 – 6, 8, 10 – 11, 21 – 22, and 24 – 27 are pending and at issue, and claims 1, 21, 22, 25, and 27 are independent claims.

Applicants reserve the right to file continuation and/or divisional applications directed to subject matter canceled in claims 2, 7, and 9.

### **The 35 U.S.C. §112(first paragraph) Rejections**

The Office Action rejected claim 9 under 35 U.S.C. §112(first paragraph) as failing to comply with the enablement requirement. Claim 9 has been cancelled solely to expedite prosecution. Applicants do not, however, agree that it is not enabled.

### **The 35 U.S.C. §102(b) Rejections**

The Office Action rejected claims 1, 3 – 6, 8 – 11, 21 – 22, 25 – 27 under 35 U.S.C. §102(b) as being anticipated by Lavi et al (US 2002/0055711). Applicants respectfully disagree with this rejection.

The claims require a sheet member and a surface or mounting surface. Each is a separate element of the claim. The sheet or device is connected to a user graspable portion at its periphery that aids in release of the sheet member from the skin of a subject.

Lavi, in contrast, does not show a user grip connected to the periphery of a sheet or device. The Examiner has asserted that Lavi element 51 is a release and portion 55 is user graspable. This is simply not the case. See Figures 7 and 6 of Lavi. Portion 55 is not gripped by a user but instead engages pin 44 which is also not gripped by the user. Moreover, the trigger member, as is depicted in Figure 6, does not act to release the sheet from the user's skin. It appears that the foot 56 trips the

trigger when the device becomes detached from the user. It does not appear that the cited structure actual does any detaching of the device from the skin.

### **The 35 U.S.C. §102(b) Rejections**

The Office Action rejected claims 1, 3 – 5, 10 – 11, and 25 - 27 under 35 U.S.C. §102(b) as being anticipated by Sandstrom et al (US 6,613,015). Applicants respectfully disagree/

The claims require that the sheet member must extend peripherally to the base member. The Examiner contends that Sandstrom discloses a sheet member 8, however, element 8 does not extend peripherally to element 6, the base. Moreover, there is no gripable portion attached to the sheet member at its periphery or at the device periphery that releases the sheet from the skin. Holding clip 46, which the Examiner describes as the gripable portion, at best, releases elements 50 from 52. It does not release the adhesive from the skin of the patient.

### **The 35 U.S.C. §103(a) Rejections**

The Office Action rejected claim 24 under 35 U.S.C. §103(a) as being unpatentable over Lavi or Sandstrom. As Sandstrom and Lavi when read alone or in combination do not contain the elements of claim 24, it cannot be obvious in view of these documents.

### **The Double Patenting Rejections**

The Office Action provisionally rejected claims 1 – 11, 21 – 22, and 24 -27 on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 - 52 of copending US Patent Application No. 11/326,550, claims 1 – 14 of copending US Application No. 11/407,647 and claims 1 – 47 of copending US Application No. 11/411,081. Applicants will file a terminal disclaimer if the claims are otherwise allowable and the claims obviousness type double patenting rejection is appropriate. Alternatively, applicants will consider filing a terminal disclaimer once the claims are deemed to be otherwise allowable.

### **Conclusion**

In view of the above, Applicants submit that the application is now in condition for allowance and issue and respectfully request early action to that end. Applicants believe that no additional fees are due. However, should any fees be due, the Commissioner is hereby authorized to charge any fees in connection with this application and to credit any overpayments to Deposit Account No. 14-1447. The undersigned invites the Examiner to contact him/her by telephone if there are any questions concerning this amendment or application.

Respectfully submitted,

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